

CAPE OF GOOD HOPE.

REPORT

OF THE

ELECT COMMITTEE

APPOINTED TO CONSIDER AND REPORT ON

VICTORIA EAST BOUNDARY.

Ordered by the House of Assembly to be printed.

APRIL, 1881.

CAPE TOWN:
PAUL SOLOMON & CO., STEAM PRINTING OFFICE.
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CAPE OF GOOD HOPE.

REPORT

OF THE

SELECT COMMITTEE

APPOINTED TO CONSIDER AND REPORT ON

VICTORIA EAST BOUNDARY.

Ordered by the House of Assembly to be printed.

APRIL, 1881.

CAPE TOWN:

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REPORT

OF THE

SELECT COMMITTEE, appointed by Order of the House of Assembly, dated the 31st March, 1881, to take into consideration the desirability or otherwise, both upon public and local grounds, of a RE-ADJUSTMENT of the SOUTH-EAST BOUNDARY LINE of the FISCAL DIVISION of VICTORIA EAST; the Committee consisting of Messrs. HOCKLEY, MACKAY, TENNANT, BLAINE, and BROWN.

Your Committee having taken evidence in reference to the matter submitted to them, and duly considered the same, have to report that, in their opinion, part of the existing boundary between the division of King William's Town and Victoria East is unsuitable and inconvenient, and that it is desirable, both in respect of local considerations and for more convenient and efficient public administration, that the outlying portion of King William's Town division, situated north-west of the Keiskamma River, should be brought more under the influence of direct and regular magisterial jurisdiction and supervision.

To effect this your Committee are of opinion that the boundary between the two divisions ought to be the Keiskamma River from the Tyumie junction upwards to a point near Gaika's Grave, thence up the spur of Mount McDonald and along the watershed between the Wolf River and the 'Matole River onward to the present beacon on the Hog's Back ridge, thus transferring that portion of King William's Town division lying north-west of the line above indicated, from the division of King William's Town to that of Victoria East: Provided nothing in the above shall be held necessarily to alter

A. 2—'81. VICTORIA EAST BOUNDARY.

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the position of any special magistrate who may have charge of natives within the proposed new boundary.

GEORGE BROWN, Chairman.

Committee-rooms, House of Assembly,
20th April, 1881.

PROCEEDINGS OF COMMITTEE.

PROCEEDINGS of the SELECT COMMITTEE, appointed by Order of the House, dated the 31st March, 1881, to take into consideration the desirability or otherwise, both upon public and local grounds, of a RE-ADJUSTMENT of the SOUTH-EAST BOUNDARY LINE of the FISCAL DIVISION of VICTORIA EAST, with power to take evidence and call for papers; consisting of Messrs. HOCKLEY, MACKAY, TENNANT, BLAINE, and BROWN.

Monday, 4th April, 1881.

PRESENT :

Mr. Hockley,
,, Mackay,

Mr. Brown,
,, Blaine.

Resolved,—That Mr. Brown be Chairman of this Committee.
Read Order of the House, dated 31st March, 1881, appointing this Committee.

The Committee deliberated.

Resolved,—To apply to the Surveyor-General for a tracing of the divisions of Victoria East and King William's Town.

Adjourned till Wednesday, at 11 a.m.

Wednesday, 6th April, 1880.

PRESENT :

Mr. BROWN (Chairman),

Mr. Hockley,
,, Mackay,

Mr. Blaine,
,, Tennant.

Mr. Hockley moved: That Messrs. Irvine and Innes be requested to attend the next meeting of the Committee for the purpose of giving evidence.

Agreed to.

Mr. Brown moved: That Mr. W. B. Chalmers be now examined.

Agreed to.

Mr. Chalmers examined.

Committee adjourned till to-morrow at 10.30 a.m.

Thursday, 7th April, 1881.

PRESENT:

Mr. BROWN (Chairman),

Mr. Tennant,		Mr. Blaine.
„ Hockley,		„ Mackay.

Mr. J. Rose Innes, C.M.G., examined.

Mr. J. J. Irvine, M.L.A., examined.

Resolved,—That the Commissioner of Crown Lands and the Secretary for Native Affairs be examined to-morrow.

Adjourned till to-morrow at 11 a.m.

Friday, 8th April, 1881.

PRESENT:

Mr. BROWN (Chairman),

Mr. Hockley,		Mr. Tennant.
„ Blaine,		

A sketch map of the divisions of Victoria East and King William's Town were laid on the table (*vide A*).

Resolved,—That the same with the evidence be printed.

The Commissioner of Crown Lands and Public Works examined.

The Secretary of Native Affairs examined.

Resolved,—To telegraph to Mr. Fielding, Special Magistrate of Middle Drift, Mr. Fleischer, Civil Commissioner of East London, and Mr. Faure, Civil Commissioner of Alice, requesting them to send their opinions on the suggested change of boundary in full by first post.

Adjourned till Tuesday next at 11 a.m.

Tuesday, 19th April, 1881.

PRESENT:

Mr. BROWN (Chairman),

Mr. Hockley,		Mr. Mackay,
„ Blaine,		„ Tennant.

The following papers were read and laid on the table:—

Reply from the Civil Commissioner of East London to telegram from the Committee (*vide B*).

Reply from the Civil Commissioner of Alice to telegram from the Committee (*vide C*).

Reply from the Special Magistrate of Middle Drift to telegram from the Committee (*vide D*).

The Committee deliberated.

Resolved,—That the Chairman be instructed to prepare a draft report and submit it to the next meeting.

Adjourned till to-morrow at 10 a.m.

Wednesday, 20th April, 1881.

PRESENT:

Mr. BROWN (Chairman),

Mr. Hoekley,
„ Tennant,

}

Mr. Mackay.

Letter from Mr. Fielding, Special Magistrate of Middle Drift, enclosing a memorandum containing the opinions of the Fingo residents of the Tyumie on the subject of change of boundary, dated 11th April, 1881, read and laid on the table (*vide E*).

The Committee deliberated.

The Chairman submitted the following draft report:—

Your Committee, having taken evidence in reference to the matter submitted to them, and duly considered the same, have to report that, in their opinion, part of the existing boundary between the division of King William's Town and Victoria East is unsuitable and inconvenient, and that it is desirable, both in respect of local considerations and for more convenient and sufficient public administration, that the outlying portion of King William's Town division, situated north-west of the Keiskamma River, should be brought more under the influence of direct and regular magisterial jurisdiction and supervision.

To effect this your Committee are of opinion that the boundary between the two divisions ought to be the Keiskamma River from the Tyumie junction upwards to a point near Gaika's grave, thence up the spur of Mount McDonald and along the watershed between the Wolf River and the 'Matole River onward to the present beacon on the Hog's Back ridge, thus transferring that portion of King William's Town division lying north-west of the line above indicated from the division of King William's Town to that of Victoria East: Provided nothing in the above shall be held necessarily to alter the position of any special magistrate who may have charge of natives within the proposed new boundary.

Resolved,—That the draft report be adopted, and that the Chairman be instructed to report accordingly.

MINUTES OF EVIDENCE.

COMMITTEE ON VICTORIA EAST BOUNDARY.

Wednesday, 6th April, 1881.

PRESENT .

Mr. BROWN (Chairman),

Mr. Hockley,
„ Mackay,

| Mr. Blaine,
„ Tennant.

Mr. *W. B. Chalmers* examined.

1. *Chairman.*] You are the Civil Commissioner of the division of King William's Town?—Yes.

Mr.
W. B. Chalmers.
April 6, 1881.

2. You know that the object of this Committee is to come to some understanding about the rectification of the boundary line between the divisions of Victoria East and King William's Town? You know that boundary well?—Yes.

3. You commenced your official life in the office at Middle Drift?—Yes.

4. Then supposing the boundary line of the division of Victoria East were extended to the Keiskamma, do you think that would be advantageous to the public interests of both divisions?—I think so, certainly; at all events to the division of Victoria East.

5. But do you believe that it would be prejudicial to the interest of King William's Town?—I am afraid it would be extending the boundary of Victoria East too far to bring it to the Keiskamma.

6. Do you know the distance?—About twelve miles, I think.

7. And the distance from the Keiskamma to King William's Town?—About eighteen to twenty miles.

Mr.
W. B. Chalmers.
April 6, 1881.

8. I think it is more than that?—It may be twenty-five miles ; I am not positive.

9. Do you know the sort of population that occupies the country between the Tyumie and the Keiskamma?—Yes ; Kafirs and Fingoes.

10. Do you know how many European residents are there?—There were not many when I was there. I don't know how many there are now.

11. Does it strike you that it would be in any way prejudicial to the interests of the King William's Town division if the boundary-line were altered to that extent?—That is a question to which, being the Civil Commissioner of the division of King William's Town, I should like to give a very careful answer, and I should prefer not answering until I have first had an opportunity of seeing the members of the Divisional Council, and obtaining their opinion.

12. Mr. *Blaine*.] Of course you have had no opportunity of knowing the views of the King William's Town Divisional Council?—No.

13. Mr. *Hockley*.] Do you think the Keiskamma River would make a good boundary?—Yes ; I think so.

14. Would you follow it to its source, or would you perhaps strike off at a point above the Keiskamma?—I think I would strike off above Middle Drift ; but I am not sufficiently acquainted with all the locality to name any particular point.

15. You think that following it to its source would cause inconvenience?—I think so.

16. *Chairman*.] What is suggested is to go up the Keiskamma to the spur of Mount McDonald, up Mount McDonald and along the ridge which separates the Wolf River Valley from the Amatolas to the present boundary on the Hog's Back.—I think that would be very preferable to the present boundary.

17. Mr. *Hockley*.] And that it would make a good natural boundary?—I think so.

18. *Chairman*.] Do you think there is any other natural boundary which we could well adopt instead of the Keiskamma?—I have always thought myself that the boundary of Victoria East was a very inconvenient one, and that the Neerastrom would be a very good boundary.

19. Mr. *Hockley*.] Do you not think it would be a very great convenience to the people residing between the Tyumie and the Keiskamma?—I think so.

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W.B. Chalmers,
April 6, 1881.

20. Mr. *Blaine*.] In what respect?—In being nearer to the seat of magistracy.

21. *Chairman*.] And supposing that arrangement to be carried out, would you think the Special Magistrate at Middle Drift any longer necessary?—I think so. There is a large native population along the Keiskamma River.

22. Would you restrict his work to the south side of the river?—I am not acquainted at present how far his jurisdiction extends; I suppose it is over the whole of Kama's Location.

23. His district extends up to the top of the Tyumie Basin?—Indeed.

24. Mr. *Hockley*.] At present the Victoria East division is one of the smallest in the Colony?—Yes.

25. And if this change were made would the division be a large division or would it only be about the average size?—No; it would not be a large division.

26. What would be the effect upon King William's Town? Would it not make it very small?—I am not sure how far King William's Town extends towards the sea.

27. Do you know the width of Victoria East near the town of Alice?—I should say about twelve miles across.

28. Does that continue any distance down, or is it only at that point?—That is the average width throughout.

29. And the length?—I cannot say how far it extends towards Peccdie.

30. Mr. *Mackay*.] Do you know what is the population of King William's Town?—No; I cannot say.

31. Nor the population of the piece of ground between Alice and the Keiskamma River?—I cannot say.

32. You could not form an idea to what extent the revenue of King William's Town would be affected by the proposed change?—No.

33. It does not derive much benefit from that population?—I should say not.

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W.B. Chalmers.
April 6, 1881.

34. Mr. *Blaine*.] Are you aware that this matter has been talked of before?—Yes ; I have heard it spoken of.

35. Are you at all aware what is the feeling of the natives about it in the part it is proposed to cut off?—No ; I am not in a position to say.

36. Mr. *Mackay*.] In reality then King William's Town would not suffer if this were annexed to Alice?—I do not think so.

37. At the same time it would confer a great benefit upon those whom it is now proposed to remove to the jurisdiction of the Magistrate at Alice, as it would bring them nearer to the magistracy?—Yes.

38. Mr. *Blaine*.] How would it affect Kama's Location?—Of course it would divide the people. Some of them would be thrown into the division of Victoria East. Care should of course be taken to explain the matter properly to them, so as to avoid any unnecessary alarm on their part, and I would suggest to the Committee that an officer should be specially appointed to go to them for this purpose.

39. Mr. *Hockley*.] Do you think the natives would appreciate the change which would bring them nearer to the seat of magistracy?—I think so.

40. Mr. *Blaine*.] Do you not think the Government apparatus for the management of natives is far more extensive in the King William's Town division than it is in Victoria East?—Yes ; there are more Inspectors of Native Locations and Native Magistrates in the King William's Town division than in Victoria East.

41. Is there any Magistrate in Victoria East holding an appointment similar to that held by Mr. Dick at King William's Town?—Not that I am aware of.

42. Mr. *Mackay*.] Does Mr. Dick's jurisdiction extend to this locality?—No ; I do not think it does.

43. Mr. *Blaine*.] Are you aware under what Inspector or Magistrate that part would come if it were struck off from the King William's Town division?—Under the jurisdiction of the Magistrate of Alice.

44. Mr. *Mackay*.] Has the Special Magistrate at Middle Drift any jurisdiction over this locality?—Oh yes ; Mr. Fielding.

45. So he would have jurisdiction there over the natives?—Yes ; I think so.

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W.B. Chalmers
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46. Mr. *Tennant*.] From your knowledge of the two divisions, do you think it is desirable that there should be a rectification of the boundary?—I think so ; more on behalf of the Victoria East division.

Thursday, 7th April, 1881.

PRESENT :

Mr. BROWN (Chairman),

Mr. Tennant,

„ Blaine,

Mr. Hockley,

„ MacKay.

Mr. *James Rose Innes*, C.M.G., examined.

47. *Chairman*.] You are the Under-Secretary for Native Affairs?—I am.

Mr.
J. Rose Innes,
C.M.G.
April 7, 1881.

48. And you were formerly Civil Commissioner of King William's Town?—Yes.

49. Do you know anything of the tract of country which this Committee have under consideration?—I have no knowledge of the object of the Committee beyond that it is connected with a proposed change of boundary between the divisions of King William's Town and Victoria East.

50. The object of the Committee is to consider the desirability or otherwise of having the boundary between those two places altered ; and the Committee wish to learn as much, both for and against the proposed alteration, as you are able to tell them. Knowing that you have been Civil Commissioner of King William's Town, they thought you could give some information. It is proposed to make the boundary follow the Keiskamma up to the spurs of Mount McDonald, as far as the ridge between Wolf River Valley and the Amatola Valley to the present termination of the boundary on the Hog's Back. Do you know anything of that country?—I have never been further

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than Middle Drift, except occasionally passing through Alice. I am aware that this question of altering the boundary engaged the attention of the Divisional Council of King William's Town, I believe, on more than one occasion. The decision they arrived at was adverse to a change of boundary.

51. Have you any knowledge as to whether the Divisional Council of King William's Town draws any considerable revenue from the part of the country proposed to be taken off and added to the division of Victoria East?—I am not prepared to say that the revenue is considerable, but there is some revenue.

52. From what sources is that revenue derived?—From road rates and tolls.

53. From what parties? Is not that country all in the hands of the natives?—Not all of it. I may mention that during the time that Mr. Montague was Colonial Secretary a Government notice was issued in the *Government Gazette*, the purport of which was that if the persons who resided in one district made application to Government, stating that it would be more advantageous to them, in the transaction of the public business with the Government, to be attached to another district, the Government would carry out their views if considered necessary.

54. Are you aware that there is a statutory provision, in the Divisional Councils Act which renders that nugatory?—Yes. But my object in referring to that notice was to show that the facilitation of public business was then recognised as a reason for altering a boundary between two divisions.

55. Do you know the distance between the seat of magistracy at King William's Town and the north-west boundary of the division, where it abuts on the Victoria East division?—I cannot say that I do.

56. Do you know the distance from King William's Town to Middle Drift?—It is reckoned twenty-five miles.

57. And the distance from Middle Drift to Alice?—I think fourteen or fifteen miles; it may be less. I have so very seldom travelled that road that I cannot speak exactly.

58. Now, seeing that that the people within that area are at the most fourteen or fifteen miles from the seat of magistracy at Victoria East and twenty-five miles from King William's Town, do you not consider it would be more convenient for them to have cases tried by the Magistrate of Victoria East than by the magistrate of King William's Town?—Certainly. But you must bear in mind that a good deal of magisterial business is at present managed by the Special Magistrate of Middle Drift, Mr. Fielding.

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59. Mr. Mackay.] Is not his jurisdiction confined to Kama's people?—It extends over the whole of the Middle Drift district, and is not confined to Kama's Location.

60. So that the Magistrate of King William's Town has really very little jurisdiction in that part?—On the contrary; the Special Magistrate of Middle Drift, like all special magistrates, is in a very anomalous position. Their judicial status has never been properly defined. They can only take preliminary examinations, and cannot pronounce final sentence in criminal cases; and they have no civil functions except by consent of the disputing parties.

61. When in your time Mr. Fielding took preliminary examinations, had he to forward the case to you for final settlement?—Yes. He exercises all the powers that a justice of the peace can.

62. Is that the extent of a Special Magistrate's power?—Yes.

63. *Chairman.*] Is there a gaol or lock-up there?—There is a lock-up and also a constabulary force at Middle Drift.

64. Supposing the proposed change were made, do you think it would be necessary to keep the Special Magistrate's establishment there when the people were brought so near the Resident Magistrate?—Decidedly. The Special Magistrate's duties are distinct from those of a resident magistrate. He has the natives under his charge, and is also collector of the revenue.

65. Were not these special magistracies created under a feeling that the divisions under the magistrates were too large?—No. Special magistrates were appointed entirely to exercise supervision over the natives.

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66. Mr. *Blaine*.] Do you know what people inhabit the country between the Keiskamma and the present boundary? Are there many Europeans?—I believe there are but a few Europeans. I have before me the list of registered voters, which shows that the number of registered voters, as far as Europeans are concerned, is very small.

67. Mr. *Hockley*.] Are Mr. Fielding's duties confined exclusively to natives?—Yes.

68. What is the boundary of his jurisdiction?—I cannot say. It does not extend to the King William's Town side of the river; but it commences on the Victoria East side.

69. *Chairman*.] Does not Mr. Fielding take charge of the whole of Kama's people?—Judicially not beyond the Keiskamma River.

70. Mr. *Hockley*.] Has the Special Magistrate of King William's Town precisely the same powers as Mr. Fielding?—Yes.

71. Mr. Fielding would have no power over any European residing within his jurisdiction?—None, except by consent of the parties; or he can only take preliminary examinations as a justice of the peace. He gives no judicial decisions.

72. Do you know whether any Europeans so avail themselves of his court?—I believe they do not. They always go to King William's Town.

73. *Chairman*.] Would it be open to them to avail themselves of Mr. Fielding's court?—I have already stated that he can never exercise any judicial functions beyond those of a justice of the peace, which he is.

74. Mr. *Hockley*.] Is not that inconvenient for the Europeans?—Its inconvenience has never been brought to my notice.

75 Mr. *Blaine*.] Are you aware whether anything like a majority of the people of that part have ever expressed any dissatisfaction with the existing arrangement?—None have to my knowledge. I may say that the Divisional Council, which is supposed to represent the feelings of the people of the district, have discussed the question two or three times, with the results I have named.

76. Mr. *Hockley*.] Is that part of the country represented in the Divisional Council?—Yes. The division is divided into six district, and the people entitled to vote in each district can vote at the election of a representative of their district in the Divisional Council.

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77. Is it not the case that in most divisions in the Colony the field-cornetcies constitute the different wards for the Council?—No. The division has to be divided into six districts for Divisional Council purposes; and what you name could not happen unless there were just six field-cornetcies in a division. For instance; it was, I believe, necessary in Port Elizabeth to divide one or more field-cornetcies into wards for Divisional Council purposes, and in other places where there are more than six field-cornetcies several have to be combined.

78. Do the natives residing in that location return a member to the Divisional Council?—They have the right to vote for a member. As a rule I do not know that the natives go to the poll. It is very frequently a great difficulty to get five persons to sign the requisition necessary to the recommendation of a candidate for membership of the Divisional Council.

79. How is the division of King William's Town divided?—There are six districts, but I cannot tell you from memory how they are conjoined.

80. Is there a ward called "West of the Keiskamma?"—I do not know any ward of that name.

81. Mr. *Blaine*.] Are you not aware that Mr. Cumming of Middle Drift once represented that part of the country in the council?—I believe he did; but he was not a member of the council in my time.

82. Mr. *Mackay*.] How did that discussion in the Divisional Council on this matter arise?—The last discussion arose from a similar action being taken as that now before Parliament for the removal of the boundary. The Divisional Council, as the representatives of the whole district, took the matter up, and their action was never either repudiated or found fault with. The alteration of boundary would also alter the electoral aspect of the place.

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83. Are you aware that the present boundary is within a very short distance of the court-room at Alice—about 300 or 400 yards?—The Magistrate has criminal jurisdiction two miles beyond the boundary of his district.

84. Do you not think it is very inconvenient to have one district infringing on another?—All districts infringe on the next district.

85. But I mean when the boundary of one division is right in the heart of the next division, as is the case here?—It is only recently that the new divisions of Komgha and Stutterheim have been created, and parts of King William's Town have been absorbed into those two districts.

86. Does King William's Town lose much revenue by that?—I believe there are several ratepayers thus detached from it.

87. Mr. *Hockley*.] Has not the expenditure been reduced proportionately, by having the mileage of roads under their charge reduced?—You put your question upon the assumption that mileage and expenditure are proportionate; but that is not the case generally.

88. Mr. *Tennant*.] Do you think that the public business would be facilitated by the proposed rectification of boundary?—I believe those people who would be brought nearer to Alice would feel the benefit of the change.

89. Mr. *Blaine*.] Have you ever heard any complaints?—Never.

90. *Chairman*.] Have you any knowledge of any case in which justice has miscarried in consequence of the distance of the supposed criminals from the centre of magistracy?—No.

91. A few months ago a theft of four bags of meal was committed by breaking into Mr. Terwin's mill. It was traced to Melani's location, and the farmers who turned out to trace it found about ten heads and hides of oxen, all their own property, which had been stolen during several months. They were stuck away on the banks of the Tyumie River; this is within three miles of the court-room of Alice, and must be about 30 miles from King William's Town, the seat of magistracy for

that part. The case fell through. Now, would not you reckon that a failure of justice in consequence of the distance from the magistracy?—Any case that falls through I should take to be a failure of justice; but I am unable to say whether distance had anything to do with that case or not.

92. Do you know how many native canteens there are licensed there?—There is one at Middle Drift; there was one at Ncera, and may be, now, also one at Terwin's. There have been frequent applications to to have one at Fort Hare; but the King William's Town Licensing Board always refused to grant it.

93. Are you aware what good reasons the Divisional Council have for resisting this change, beyond that it would make the division smaller?—I should imagine that all Divisional Councils are supposed to be supported in their acts by good reasons.

94. Mr. *Hockley*.] What is about the average width of the Division of Victoria East?—I do not know.

95. How far is it in a straight line from Fort Beaufort to the boundary where it is crossed by the King William's Town road?—I do not know.

96. Do you know the distance from Fort Beaufort to Alice?—About 15 or 16 miles, I believe.

97. *Chairman*.] What is the distance from Middle Drift to the opposite side of the King William's Town Division at the Gonubie?—About 50 miles.

98. Mr. *Mackay*.] Do you know of any application from Middle Drift for a change?—I never heard of any.

99. And they are the people who would be principally affected by the change?—Yes.

100. Mr. *Blaine*.] Would the proposed change in any way interfere with magisterial matters?—It would limit the jurisdiction of the King William's Town magistrate and extend that of Alice.

101. Would that be any advantage?—It would be an advantage to people who live near Alice. They would be able to go to court and return home the same evening.

102. Can you give an approximate idea of the number of registered voters in the part it is proposed to excise?—I imagine that ward No. 5 is the part. There are

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thirty-two registered voters on the list for that ward. There are nine in ward No. 6.

103. As you are aware that there are a number of Europeans residing in the part it is proposed to cut off; do you not think that if they wished to be annexed to the division of Victoria East, they would have made that wish known?—I think so. They are as ready to bring any inconvenience they suffer to the notice of the authorities as any one; and so are the missionary institutions when they suffer inconvenience.

104. Are there not advantages to be gained by taking their cases to King William's Town instead of Alice, in consequence of their being more legal practitioners in the former place?—I do not know how many legal practitioners there are in Alice; but there are several good practitioners in King William's Town. Alice has never been made a circuit town; and I take it that fact bears upon the question as to whether it is inconvenient to take cases to King William's Town.

105. Mr. *Tennant*.] You have never heard any complaints against the present arrangement?—Never.

106. Mr. *Mackay*.] Personally, and from your own experience of the district, do you think such a change as that proposed desirable?—I certainly was one of the council who arrived at a decision averse to the alteration. They could only have concluded that the change was desirable had there been representatives from the people to that effect; but in the absence of such representatives the council naturally concluded that the change was not desirable.

Mr. J. J. Irvine, M.L.A., examined.

Mr.
J. J. Irvine,
M.L.A.

107. *Chairman*.] You are one of the representatives in the House of Assembly for the division of King William's Town?—I am.

108. Are you acquainted with the object of this Committee?—Yes.

109. Do you know the country which will be affected by the proposed alteration of boundary?—Yes; I know it generally.

110. Were you a member of the Divisional Council of

King William's Town when this matter was discussed there?—It was discussed many years ago when I was a member.

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J. J. Irvine,
M.L.A.

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111. Can you give the reasons that were then urged against the proposal?—The reasons urged against it were contained in a report from a Committee appointed by the Council, I think to meet another Committee from Alice. The great objection to carrying the measure through was that the people who were most interested objected to the change.

112. How were their views ascertained?—Mr. Weir, who was acquainted with the natives in that part, had representations made to him, by headmen and others, to the effect that as they had their own magistrate, Mr. Fielding, they did not desire any change.

113. Mr. *Hockley*.] Had Mr. Weir himself any strong feeling on the subject?—I do not know of any feeling he could have had except on public grounds.

114. *Chairman*.] Looking at the question just as it is before us, do you not think what is proposed would be more convenient than the present arrangement?—That is a matter that the people themselves are best able to express an opinion upon.

114a. Have they expressed any dissatisfaction?—It would seem more convenient to have the lesser distance to travel than the greater.

115. But taking into consideration the three canteens and, at least one notoriously irregularly conducted location, does it not appear natural that it should be the wish of such people to be as far from the magistrate as they can?—I cannot say what it appears; but seeing that we have a magistrate's establishment at Middle Drift, which is only 11 miles from Alice, and which costs the country £700 a year, the special object of it being to look after the people between Alice and the Tyumie, it does not seem desirable to make the change.

116. Mr. *Mackay*.] Is Mr. Fielding's jurisdiction very clearly defined?—He is represented in the estimates as Special Magistrate for Middle Drift drawing £400 a year.

117. Is he Special Magistrate to Kama's people alone or would his jurisdiction extend to this notoriously bad

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location?—It would extend ; and further, I believe, the Magistrate of Alice would have jurisdiction there.

118. Mr. *Blaine*.] Is it not generally understood that Mr. Fielding is very successful as a Magistrate?—Yes. His last report in the Blue-Book on Native Affairs is most satisfactory ; and no reference is made in that report to this exceptionally bad state of things in that district, rather the reverse.

119. *Chairman*.] Do you know whether Mr. Fielding has the means of inflicting punishment?—I should imagine an establishment which costs the country £700 a year would not be allowed to remain inefficient.

120. It has been stated before this Committee that Mr. Fielding has no jurisdiction beyond that of a Special Magistrate, having only the power to take preliminary examinations, and not to pronounce final sentence of punishment?—I think it would be proper to enlarge Mr. Fielding's powers. The Special Magistrates, in this year's report, all complain of undefined jurisdiction.

121. Mr. *Blaine*.] Do you know many of the Europeans who live in that part of the country?—I do not know that there are more than half a dozen.

122. Are you acquainted with them?—I know one or two who live there.

123. Have you ever heard any complaint from them as to the difficulty of getting justice?—I have never asked them the question, nor have I ever heard them complain. On looking at the list of registered voters, I find there are seven Europeans, some of whom would benefit by this change ; but there are others living within a few hundred yards of Mr. Fielding's residence.

124. Mr. *Hockley*.] Have you any reason to know that all who are entitled to be registered are registered?—No ; but there are a very few Europeans in that district.

125. Do you not think that there being so few Europeans there, might lead those entitled to be registered to look upon it as almost useless, knowing that they could be swamped by the native vote?—According to this list the difference is not very great. Judging from my own experience, the Europeans

would rather be more anxious to get all their votes recorded.

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126. Then you think that all the Europeans there are registered?—I think so. April 7, 1881.

127. Do you think it would be much more easy for Mr. Fielding to forward cases to Alice than it is to King William's Town?—I think it would, because the distance is less.

128. And that would apply to witnesses also?—Yes.

129. Mr. *Mackay*.] What would the difference be?—It is about 11 miles to Alice from Middle Drift; and about twice that distance to King William's Town.

130. Mr. *Hockley*.] If an alteration of boundary is decided upon, do you think the line indicated by the Chairman, when examining Mr. Innes, would make a good boundary?—It would be a well defined one, but not better in that respect than the present boundary.

131. Would it divide Kama's location?—It would; and that would be my chief objection to the change; especially in the present state of native feeling.

132. Mr. *Mackay*.] But as the magistrate would have jurisdiction 2 miles beyond the boundary would not Mr. Fielding still have jurisdiction over them?—That depends upon what Mr. Fielding's jurisdiction is. Such jurisdiction is confined to criminal cases.

133. Mr. *Hockley*.] Mr. Fielding only has jurisdiction on the Alice side of the Keiskamma, I believe?—I do not know. I have always been under the impression that Kama's people were all under him. Indeed I know that cases, occurring east of the Keiskamma are always taken to Middle Drift for settlement. I believe the whole of Kama's people are under Mr. Fielding.

134. Mr. *Mackay*.] What extent of jurisdiction would there be east of the Keiskamma River?—At least eight miles. I have known cases to be taken to him from as far as Fort White, which is within twenty miles of King William's Town. This proposal would split the tribe, and one half would be thrown into the magistracy of Alice.

135. Mr. *Tennant*.] Would not Mr. Fielding still have jurisdiction over the whole tribe?—He is a Sub-Magistrate under the Magistrate of King William's Town. If

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you transferred part of his sub-magistracy to Alice, either his jurisdiction over it would cease or he would be under two magistracies.

136. How would the transfer of part of the country to Alice injuriously affect the people?—They have confidence in Mr. Fielding, whom they have known a long time, and it would have an unsettling effect on them to transfer them to another magistrate. Kama's people behaved well under Mr. Fielding during late disturbances.

137. Mr. *Hockley*.] Who is now the Special Magistrate over the eastern side of the river?—Mr. Dick, the Special Magistrate over Siwani's tribe. He sits at King William's Town, and his jurisdiction extends to where Siwani's people join Kama's location, about the Tomache-on the Green River.

138. Are you quite sure that Mr. Dick's boundary is clearly defined, and that he exercises no jurisdiction beyond it?—That is my opinion ; but I am not quite sure.

139. Would this change of boundary necessitate the removal of Mr. Fielding from Middle Drift?—Not necessarily ; but it would interfere with his jurisdiction, over a portion of Kama's people.

140. What is the extent of Mr. Fielding's jurisdiction?—I am not able to define his powers. I know that in practice he settles civil cases between the natives imposes fines, &c.

141. Mr. *Tennant*.] But they consent beforehand to abide by his decision?—That I do not know.

142. Mr. *Hockley*.] Have you ever known a case in which he has convicted and punished a criminal?—I do not know of such cases ; but I think he does exercise such jurisdiction.

143. Do you think his powers exceed those of a special justice of the peace in criminal cases?—I do think so ; but I do not know. I have always believed him to have those powers. He is described in the estimates as a Special Magistrate.

144. Mr. *Blaine*.] Do you know any other reasons either for or against this proposal?—King William's Town is the seat of a first-class magistracy ; it is the

only magistracy out of Cape Town possessing a Registry of Deeds. Altogether it is an expensive establishment to the country. Quite recently a considerable portion of the district has been cut off and made into the two fiscal divisions of Stutterheim and Komgha; and if you go on reducing the division you will have to reduce the staff and the expenditure accordingly.

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145. Mr. *Hockley*.] Have not the salaries increased in proportion as the district has decreased?—No. The late incumbent of the office received an additional £100 a year in consequence of special services rendered by him during the late disturbances; but that was granted before the reduction of the district took place. It is still one of the most important divisions in the Colony, as far as native population is concerned.

146. But the emoluments are now greater than they were when the district was larger?—They are greater than they were when Mr. Innes first went there.

147. *Chairman*.] It is the Divisional Council rather than the Government officers who have hitherto been opposed to this change?—They are the only people who could officially offer opposition.

148. Mr. *Blaine*.] Is not the Civil Commissioner Chairman of the Divisional Council?—Yes.

149. *Chairman*.] Would this change affect the Divisional Council injuriously as regards revenue?—Of course less rates would be paid into the Divisional Council. I think it unadvisable to reduce the size of divisions, and thereby lessen the number of members in our Divisional Councils.

150. But as regard the financial aspect of the case, if you take away the rates you also relieve them of an extent of road?—I do not think it would seriously affect the Divisional Council in that way, because there are so few properties in that part from which they collect rates.

151. Mr. *Mackay*.] Would you think that for magisterial purposes this part would be better removed to Alice?—I do not think so. Mr. Fielding being able to devote the whole of his time to the management of the natives is a better arrangement than throwing it into a civil commissionership.

152. Would it not be more convenient to Mr. Fielding

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to submit his cases to the Magistrate of Alice than it is to submit them to the Magistrate of King William's Town?—If you do that you will have to make the boundary line so as to take in the whole of Kama's Location, and thus possibly make the division of Victoria East larger than that of King William's Town.

153. What is the population of the area suggested to be taken from King William's Town?—I am not prepared to say. It is numerous. It is a thickly populated district.

Friday, 8th April, 1881.

PRESENT :

Mr. BROWN (Chairman),

Mr. Tennant,
„ Hockley,

Mr. Blaine,
„ MacKay.

The Hon. *Commissioner of Crown Lands and Public Works* examined.

Hon.
Com. of Public
Works.
April 8, 1881.

154. *Chairman.*] You are Commissioner of Crown Lands and Public Works?—I am.

155. And I presume you know the object of this Committee?—I do.

156. Are you acquainted with the country to which this inquiry has reference?—I am.

157. Do you think the present arrangement with reference to boundary a convenient and proper one?—I do not.

158. Are you of opinion that the boundary line between the divisions of King William's Town and Victoria East ought to be extended eastwards?—Certainly.

159. Where would the line run which you consider the most natural boundary between those two divisions?—I think it should go from the confluence of the Keiskamma and the Tyumie up the Keiskamma to either the point called Mount Macdonald or the Wolf River, (I think,

however, that the people in the Wolf River Valley could more conveniently reach King William's Town, and therefore I would prefer Mount Macdonald), striking out from the Keiskamma just opposite where Gaika was buried, above Burns' Hill, to the top of Mount Macdonald, thence chiefly along the watershed to Gaika's Kop.

Hon.
Com. of Public
Works.
April 8, 1881.

160. What reasons do you give for a change of boundary?—Geographical position, public convenience, practical utility, and common sense.

161. Mr. *Blaine*.] Have you ever heard any complaints from the people who occupy the country that would thus be cut off from the King William's Town division and added to that of Victoria East?—I think I have, from white persons, inhabitants of that locality.

162. Are you sure?—Yes; I am certain that I have heard objections by white residents there.

163. Cannot you say from whom you heard these complaints?—There are but a very few white residents there; but I do not think I can name the persons who complained now. It is matter of such general belief and such a truism, so to speak, that I should not think of asking opinions on the subject.

164. Would not the proposed excision divide Kama's tribe, so that part of them would be in one division and part in another?—It would; but I do not regard that as any objection. In fact I do not see the necessity for having a Special Magistrate at Middle Drift at all if this division should be carried out; each section of the tribe would be within easy reach of their respective Magistrates at King William's Town or Alice, as the case might be, and I think a Special Justice of the Peace at Middle Drift would be perfectly sufficient for that place. I do not regard the keeping together of Kama's tribe as essential in any respect to the wellbeing of that tribe. By keeping them together, I mean having them all under the same magistrate.

165. Have not Kama's tribe, under the present arrangement of having a special magistrate over them, been less trouble than any other tribe?—Yes; the conduct of Kama's people has been exceptionally good.

166. Would it not imperil that satisfactory state of

Hon.
*Gen. of Public
 Works.*

April 8, 1881.

things to take away their Special Magistrate?—I do not think so.

167. Of course it would alter electoral matters ; part of the voters would be removed from one division to another?—It would ; but I am certain that the change would be a decided improvement in that respect. And, now, men who live just across the Tyumie, and want to pay quitrents or get justice, have to go forty miles to King William's Town instead of a little over forty yards to Alice.

168. *Mr. Hockley.*] What are the special duties of Mr. Fielding as Special Magistrate?—I almost think that the Secretary for Native Affairs, who I understand is to be examined, will be better able to answer that question than I.

169. *Chairman.*] Do you know what proportion of Kama's tribe is located on the Alice side of the Keiskamma River?—No. But the country is fertile, and there is, apparently, a large population scattered about there. I might be allowed to say, with reference to my statement when I was answering a question about complaints having been made by people living there, that it is generally a native population who would not complain as to the place where they have to pay money ; and I judge chiefly from my own idea as to the fitness of things.

170. Are you not having that district surveyed with the object of granting titles?—I am ; and knowing how intimately the Magistrate of Victoria East is acquainted with the circumstances of these people, as compared with the Magistrate of King William's Town, I adopted a somewhat unusual step, and requested the Civil Commissioner of Victoria East to be chairman of the Land Commission, instead of the Civil Commission of King William's Town, in whose division the land is situated.

171. *Mr. Blaine.*] Did you select him solely on account of his being nearer to them?—On account of his being nearer to them and on account of his being better acquainted with the circumstances and desires of the people. I may add that I subsequently placed Mr. Fielding on the Commission, a step which I think I ought to have taken in the first instance.

The Honourable *Secretary for Native Affairs* examined.

172. *Chairman.*] You are the Secretary for Native Affairs?—I am. Hon.
Secretary for
Native Affairs.

173. And you are acquainted with the object for which this Committee has been formed?—Yes. April 8, 1881.

174. Do you know the country through which the present boundary line between the divisions of King William's Town and Victoria East runs?—I think so.

175. Do you think it is convenient and in any respect an advantageous line?—I do not think it is convenient for the people who are in the King William's Town division.

176. Do you think a change of boundary is desirable?—I do not know that it is desirable, because I am not aware that the people generally have complained about it; but I think it is an arrangement which would not have been made when it was had the circumstances of the country been different. That arrangement was simply the result of the accident of King William's Town then being a separate and distinct Colony, bordering upon the old Colony, of which the Tyumie River was the boundary.

177. Do you think the present arrangement decidedly inconvenient?—I do not think it is an arrangement that would have been made had it been chosen simply as a line of boundary between two divisions of the Colony.

178. Do you know the country sufficiently well as to be able to say where, if a change is made, the natural boundary line would go?—I think so. I think generally, the Keiskamma, if a new boundary line were in contemplation, would be the boundary decided upon, from the junction of the Tyumie. I do not think that following the river's course all the way to Keiskamma Hoek would be the line; but up to its junction with the Wolf River, then following up the Wolf River to the summit of the mountain range.

179. A portion of the line you have described would cut Kama's tribe into two parts?—It would; but there would be no serious objection to that; although I do not think it would be desirable just now.

Hon.
Secretary for
Native Affairs.
April 8, 1881.

180. What portion of Kama's tribe is located on the north-west side of the Keiskamma River?—I believe a considerable portion of the tribe are, but I have not the numbers with me.

181. Is Mr. Fielding Special Magistrate over the whole tribe, or only over that part of country between the Keiskamma and the Tyumie?—I think he has the general supervision of the whole tribe.

182. Is his jurisdiction limited to the tribe as a tribe, or has it geographical limits?—I do not think there are any geographical limits to his boundary, I believe he has charge of Kama's tribe and some Fingoes who occupy the country up north-east of the Keiskamma.

183. Mr. *Mackay.*] Does his jurisdiction extend to natives who do not belong to Kama's tribe, of whom I believe there are a large number. Does it extend to all natives occupying the country?—He does exercise jurisdiction over Fingoes living up along the north bank of the Keiskamma.

184. Does he exercise supervision over all the natives between the Keiskamma and the Tyumie?—I believe he does.

185. *Chairman.*] What are his duties?—He has no magisterial functions. He is called Special Magistrate, and in serious cases he takes examinations and prepares them for trial by the Magistrate of King William's Town.

186. Mr. *Hockley.*] Does he dispose of petty criminal cases?—I believe so.

187. To what extent has he jurisdiction?—I am not prepared to say what extent.

188. Mr. *Tennant.*] Has he the power of a special justice of the peace?—He is a Justice of the Peace, but I think his powers extend only to taking depositions and settling ordinary cases between the people. His powers have never been defined.

189. Mr. *Hockley.*] Is there a Native Location Inspector?—No. Mr. Fielding has complete control of the people there, the same as an inspector would.

190. Mr. *Mackay.*] Do you think the inconvenience and expense attending the sending of prisoners and witnesses to King William's Town does not occasionally

interfere with the administration of justice?—I do not think it does. The distance from Mr. Fielding to King William's Town is not so great as the distance many cases have to be sent for trial in many other divisions of the Colony.

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Secretary for
Native Affairs.
April 8, 1881.

191. A case has been adduced in evidence in which it is said there was a miscarriage of justice, and allusion made to the very disreputable character of some natives living in that part. Have any representations of such a case been made to you?—No.

192. Mr. *Hockley*.] The distance from Middle Drift to King William's Town is more than double the distance to Alice?—More than double.

193. Would it not be much more convenient to remove the cases to the Alice court?—If all the cases really went from Middle Drift; but a great portion of the people are southward and nearer King William's Town.

194. *Chairman*.] Supposing the change were to be made and this tract of country were annexed to Victoria East, do you see any necessity for continuing the Special Magistrate there?—You would require authority of some kind among so large a native population. I do not think it would be desirable to remove the Special Magistrate.

195. Mr. *Mackay*.] Have you any inspectors at Kama's Location?—No; but there are two inspectors in the Alice division and four in the Peddie division.

196. *Chairman*.] Are there any between the Keiskamma and the Tyumie?—No; there are none in Kama's Location, neither are there any in the country under Mr. Fielding.

197. Mr. *Blaine*.] The proposed new line would cut off part of Kama's tribe, and that would then come under the jurisdiction of the Magistrate of Alice?—As far as distance is concerned that would be an advantage.

198. Do you think it would work injuriously in any way?—It might give rise to a little excitement in the tribe, who, Kafir-like, would become suspicious and think that something covert was intended.

199. Mr. *Mackay*.] Would it not be more convenient for Mr. Fielding to communicate with the court at Alice

Hon. Secretary for Native Affairs. than that at King William's Town?—The distance is much less.

April 8, 1881. 200. Have the people who occupy this place ever applied for a change?—Not that I am aware of.

201. The people are not of a class that would be likely to move in such a matter; for instance, the Chairman has brought to the Committee's notice that there are a disreputable class there, under no inspectorship, and they would naturally not desire to get under any supervision?—I presume that all lawless people would rather not be under supervision but would prefer having their own way.

202. The chances are that if they were transferred to the Alice division they would be under better supervision than at present?—The Qumahashe people are only three miles from Alice.

203. Mr. Hockley.] If any general readjustment of boundaries were to take place, do you think that boundary would be readjusted?—I do not doubt it for a moment; because it owes its present position to the mere accident of its being the boundary between the Colony and the old territory of British Kaffraria, as I have described.

204. Chairman.] Are you aware how many licensed canteens there are between the two rivers?—No.

205. It is principally from the Divisional Council of King William's Town that any opposition has come to the change contemplated. Do you think the change would act prejudicially in any way to that Council?—I do not think it would damage them very much, as the revenue they receive from Kama's Location must be very small. I suppose there are no road rates collected, as the land is held in common by Kama's people; therefore in a monetary point they would sustain very little damage, while, on the other hand, they would be relieved of the responsibility of maintaining the road between the Keiskamma and Alice.

206. Mr. Hockley.] Is it not intended to issue individual titles to the natives there?—The general idea is that all the land shall be held on individual tenure.

207. Will they then be liable to pay road rates?—Yes; wherever titles have been issued the natives pay

road rates. That would affect what I have said on the subject.

208. Mr. *Blaine*.] Would it not be well to ascertain what Mr. Fielding's ideas are as to the effect of this change—removing the people from his jurisdiction?—I think he would be able to give an opinion as to the effect it would have upon the minds of the people, if any. I may say that even if the people are divided for judicial purposes, Mr. Fielding might still remain there as a revenue officer, and by that means the tribe would be kept together and not so completely divided as if they were separated both judicially and for fiscal purposes.

209. In placing Mr. Fielding there, was it looked upon as a compliment to Kama's tribe, or as an absolute necessity?—It was not a compliment to Kama. It was just the position in which the tribes were placed at that time which led to it. Siwani's tribe had Mr. Tainton placed with them; Toise's had Mr. John Ayliff; and Mr. Miller was placed with Kama.

Hon. ¹⁸⁸¹
Secretary for
Native Affairs.

April 8, 1881



[B.]

No. 227.]

Office of the Civil Commissioner of
East London, 9th April, 1881.

The Clerk, House of Assembly, Cape Town.

SIR,—In compliance with your telegram of the 8th instant on the subject of the boundary between King William's Town and Victoria East, I have the honour to report that in my opinion an alteration of the present boundary is very necessary.

The matter was I believe fully discussed at a meeting of the Victoria East Divisional Council in 1878, at which I presided as Acting Civil Commissioner, but I cannot now without reference to documents say what the proposed new boundary was. I however fully concurred with the proposal then made.

I certainly think that Fort Hare should be given to Victoria East. The place is of considerable size, and is situated on the banks of the Tyumie on the King William's Town side, the Tyumie being the boundary of the two divisions. The present arrangement is no doubt very unsatisfactory for all concerned, and I have no hesitation in saying that in the interest of the people of Fort Hare, as well as in the general interest an alteration of the boundary of the two divisions should certainly be made.

I have, &c.,

W. M. FLEISCHER, Civil Commissioner.

[C.]

Office of the Civil Commissioner of Victoria East
Alice, 11th April, 1881.

The Clerk of the House of Assembly, Cape Town.

SIR,—In reply to your telegram of the 8th inst., in which you request me to give my opinion with reference to the proposal to alter the boundaries between King William's Town and Victoria East, I have the honour to state that I consider such extension desirable for the following reasons :—The Tyumie River, which is the boundary between the two divisions, flows so close to the town of Alice that some of the houses at Fort Hare (which is in the King William's Town division) are not more than five minutes' walk from the Court-house of Alice, which is situate in the centre of the village, and although the Magistrate of Victoria East has criminal jurisdiction up to two miles across

the boundary, he has no civil jurisdiction beyond the river, which seems an absurdity when one comes to consider that in order to sue persons residing along the line of boundary, but across the river, for debts contracted in Victoria East, the parties must proceed to King William's Town, some thirty-five miles distant from Alice. The territory across the Tyumie is thickly inhabited by natives, who all live much nearer to the town of Alice than even to the seat of the special magistracy at Middle Drift on the Keiskamma River, which is the place from which these people are at present ruled. It would be far easier for them to pay taxes and obtain passes at Alice than to have to proceed to Middle Drift for those purposes. Applications for passes by natives residing across the Tyumie are constantly made at this office and refused, and the applicants referred to the Special Magistrate at Middle Drift.

Another reason why it is necessary there should be an extension of boundary is that the Divisional Council of Victoria East have, at a cost of some thousands of pounds sterling, constructed the road over the "Hog's Back," which runs chiefly through the division of King William's Town, and which road is largely used by carriers between the latter place and Queen's Town and other places.

This division is so limited in extent that the revenue derived from road rates is too small to pay the interest on loans raised to construct this road, and it is desirable that more land liable to assessment should be added to this division for the purpose of increasing the revenue of the council, more especially as the entire cost of keeping this long line of mountain road in repair will devolve entirely on this Council.

By extending the boundary as recommended by the Divisional Council of Victoria East to the Keiskamma, in a resolution passed at a meeting held recently and forwarded to Government, this difficulty will be met in a considerable degree.

I have, &c.,

J. C. FAURE, Civil Commissioner.

[D.]

Special Magistrate's Office,
Middle Drift, 11th April, 1881.

J. Noble, Esq., Clerk, House of Assembly,
Cape Town.

SIR, -In reply to your telegram requesting my opinion on the effect likely to be produced by the removal of the boundary

between King William's Town and Victoria East; I have the honour to enclose a memo. in reply, and hope it will be found contain the information required.

I have, &c.,

R. FIELDING, Special Magistrate

MEMORANDUM ON THE PROPOSED REMOVAL OF THE BOUNDARY BETWEEN KING WILLIAM'S TOWN AND VICTORIA EAST.

Special Magistrate's Office,
Middle Drift, 11th April, 1881.

Opinion.

1. The reason why this removal of the boundary between King William's Town and Victoria East should not take place is, because the land is the property of the Chief William Kama and his people, for which they hold a title signed by Sir George Grey, K.C.B.

2. The people are satisfied with the way in which the minor difficulties are settled by their magistrate, whose appointment is that of an arbitrator and adviser and not a Resident Magistrate, therefore the offices at Alice and Middle Drift would clash in the administration of Colonial and Kafir law, the former being only administered at Alice.

3. Kama and his people consider that they belong to King William's Town, and have no wish for a change, and there is a general disinclination against separating the tribe from their Chief, who holds much influence over them for good.

Kama and his tribe have long been faithful to Government, and any change in the tribe, against their wishes, would seem to be a breach of good faith.

R. FIELDING, Special Magistrate.

[E.]

Special Magistrate's Office,
Middle Drift, 11th April, 1881.

John Noble, Esq., Clerk, House of Assembly,
Cape Town.

SIR,—I have the honour to enclose a memo. of the state of feeling amongst the Fingoes in the Tshumie Valley, with reference to the proposed change of the boundaries of the King William's Town division and Victoria East.

I forward it at the request of the residents in the Tshumie district.

I have, &c.,

R. FIELDING, Special Magistrate.

Special Magistrate's Office,
Middle Drift, April 11th, 1881.

This is the fourth time that it has been proposed to alter the boundaries of the Tshumie. The Fingo residents have no desire for a change, and are satisfied to belong to King William's Town division. They have been in the division over eighteen years, and have never had cause for dissatisfaction. They beg Government not to press them to be joined to the division of Victoria East, as there is not one individual who desires this change, they are satisfied with the manner in which the law is administered by their magistrate, and they beg the members of Parliament will not force them to the change against their wish.

R. FIELDING, Special Magistrate.

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